

REMARKS

Claims 2-9, and 11-24 are pending in the present application. Claim 9 is amended. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the following remarks made below.

Applicants note that claim 21 has not been specifically rejected by the Examiner in the current Office Action. Therefore, Applicants assume claim 21 contains allowable subject matter as provided in the Office Action dated July 13, 2006, or in the alternative, Applicants submit claim 21 is patentable for all the reasons given below.

CLAIM OBJECTIONS

Claim 9 is objected to for depending on a cancelled claim. Claim 9 has been amended to depend on independent claim 23. Withdrawal of this objection is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1 [sic], 3, 8-11 and 22 stand rejected under 35 USC 103(a) as being unpatentable over Julka et al. (USP 6,917,810) in view of Ray et al. (USP 6,424,638) and in further view of Rygula et al. (USP 6,973,309). Applicants traverse this rejection. Although the Examiner does not list claims 23 and 24 in the rejection heading, Applicants note that the Examiner discusses the rejection of claims 23 and 24 within this §103(a) rejection.

The Examiner alleges that Julka et al. teaches a method of transferring a packet switched call carried over a first network to a circuit call switched call carried over a second network. The Examiner admits that Julka et al. does not teach the details of the method of the transfer as recited in claim 23, but alleges Ray et al. teaches the details of the method of the transfer. The Examiner also admits that the combination of Julka et al. and Ray et al. do not teach a method of transfer between a packet system and a circuit system, but alleges Rygula et al. teaches such a transfer.

The Examiner recognizes that Julka et al. does not teach the features of claim 23, but basically alleges that Ray et al. at FIG. 2A and column 3, lines 43-65, teaches the features recited in claim 23. However, column 2, lines 23-25, of Ray et al. clearly provides that FIG. 2A illustrates a handover between two (2) different MSCs within the same wireless system. Ray et al. does not teach a "handoff from one system to the other," as alleged by the Examiner.

Applicants submit that a person of ordinary skill in the art is well aware that requirements, for example, parameters, conditions, protocols, etc. for a handoff between 2 MSCs within the same wireless system are very different than the requirements for a call transfer between two different systems (packet and circuit). Therefore, it would not have been obvious for a person of ordinary skill in the art to simply combine the teachings of Julka et al. with Ray et al. There is simply no teaching or suggestion that such a combination can be made. In addition, the Examiner's interpretation that Ray et al. at column 2, lines 51-55, teaches "that the system can be the same or different and still be able to communicate" is misapplied and/or misunderstood. Ray et al. teaches that a GSM system is illustrated in the specification, but other systems such as CDMA, WCDMA, etc. may be used, not that the teachings of Ray et al. may be applied to communication between different telecommunication systems.

Applicants submit that there is no motivation to combine the teachings of Julka et al. with Ray et al. In addition, Ray et al. teaches a handoff between 2 MSCs within the same system, therefore, even if the teachings of Ray et al., Julka et al. and Rygula et al. can be combined, the combination would still fail to teach each and every limitation recited in claim 23.

For at least the reasons given above, claim 23 is patentable over the Examiner's cited references. Independent claim 24, which similarly recites the limitations of claim 23, is also patentable for at least the reasons claim 23 is patentable. Dependent claims 3, 8-11 and 22 are also patentable for at least depending on an allowable base claim.

Claims 2, 6, 12, 14, 16 and 18-20 stand rejected under 35 USC 103(a) as being unpatentable over Julka et al. in view of Ray et al. and in further view of Surdila et al. (US 2002/0110104). Applicants traverse this rejection.

Without acquiescing to the Examiner's allegations, Applicants submit that dependent claims 2, 6, 12, 14, 16, and 18-20 are patentable for at least the reasons independent claim 23 is patentable. In addition, Surdila et al. fails to cure the deficiencies of Julka et al., Ray et al. and Rygula et al. as noted above.

Claims 5, 7, 13 and 15 stand rejected under 35 USC 103(a) as being unpatentable over Julka et al. in view of Ejzak (US 2003/0026245). Applicants traverse this rejection.

Without acquiescing to the Examiner's allegations, Applicants submit that dependent claims 5, 7, 13 and 5 are patentable for at least the reasons independent claim 23 is patentable. In addition, Ejzak fails to cure the deficiencies of Julka et al. and Ray et al. as noted above.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 2-8, 11-20, 23 and 24 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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